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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,569	06/26/2003	Olivier Palluat de Besset	15675P465	4671

8791 7590 03/22/2006

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EXAMINER

DWIVEDI, VIKANSHA S

ART UNIT

PAPER NUMBER

3746

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/606,569	Applicant(s) DE BESSET ET AL.	
	Examiner Vikansha S. Dwivedi	Art Unit 3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-21 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/23/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

Applicant Information Disclosure Statement submitted on 12/23/2003 is acknowledged. Since the submission complies with 37CFR 1.97 and 1.98 the references listed therein have been considered. An initialed and dated copy of Applicant's IDS form 1449 is attached to the instant Office action.

Priority

The priority claimed for the application has been acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1, 2, 4, 6, 7, 14, 15, 17-21 are rejected under 35 U.S.C. 102(b) as being unpatentable over Plank (U.S. Patent number 6,126,130).

Plank discloses a suspension device for an electric pump (4) of an assembly for drawing fuel in a motor vehicle, the device comprising: an outer support suitable for surrounding the electric pump (Column 2 line 41-44), centered on an axis parallel to the axis of the electric pump, and adapted to be secured to the fuel-drawing assembly; and

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at least one resilient arm (14(a) and 14(b)) connected to the inside periphery of said outer support (3), which resilient arm extends essentially in a plane that is transverse to the axis of said outer support and possesses a shape such as to rest at least substantially tangentially against the body of the electric pump over a fraction of its length in order to support it at a distance from the outer support (Shown in Figure 2); wherein the outer support is formed by a closed ring(Shown in Figure 2); wherein each arm carries a plurality of studs (15 and 16) adapted to apply identical stresses to a central electric pump body; wherein the arms are concave facing the axis O-O of the ring (Figure 3); wherein each arm carries at least one stud; wherein the resilient arms are symmetrical about the axis O-O of the ring; wherein the ring and the resilient arms are made by a single molding of plastics material (Column 2 line 21-26); wherein the device being designed to be supported on a fuel-drawing assembly; the device being formed integrally on an element of a fuel-drawing assembly; wherein one arm carries means adapted to act as an axial support for the electric pump; having means suitable for constituting an angular abutment for the electric pump body; wherein the assembly includes an electric pump suspension device.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3, 5, 10-13, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plank (U.S. Patent number 6,126,130) in view of Kemmner et al. (U.S. Patent number 4,362,476)

Plank discloses the invention substantially as claimed by the applicant. Plank does not provide teachings of a suspension device for an electric pump of an assembly for drawing fuel in a motor vehicle; wherein an open ring forms the outer support. Kemmner et al. discloses support structure for a fuel pump with the outer support being an open ring; wherein the open ring has two resilient arms uniformly distributed around the axis. Kemmner et al. does not disclose the ring and having convex sides facing towards said axis; a plurality of pairs of fins in the form of V-shapes uniformly distributed around the axis O-O of the ring; a plurality of pairs of fingers uniformly distributed around the axis O-O of the ring; resilient arms formed by beams each connected at both ends to the inside surface of the ring. Kemmner provide the teachings for making the arms/support structure/fins/beams of different shapes and sizes. At the time of invention was made it would have been obvious to one of ordinary skill in the art to have the resilient arms made in different shapes for the purposes of preferred embodiment and free suspension in the pump.

It would have been an obvious material choice to make the device out of polyoxymethylene. Prior art provides teachings of making the device out of plastic and polyoxymethylene is a known plastic material and it is also durable.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Plank (U.S. Patent number 6,126,130) in view of Gunther (DE 4,336,574)

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Plank discloses the invention substantially as claimed by the applicant except that the mean radius of each arm relative to a center coinciding with the axis of the pump decreases going towards the free end of the arm. Gunther clearly shows in figure 3 that the mean radius of each arm relative to a center coinciding with the axis of the pump decreases going towards the free end of the arm. At the time of invention it would have been obvious to one of ordinary skill in the art to decrease the mean radius of each arm relative to a center to provide a stable support.

Allowable Subject Matter

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vikansha S. Dwivedi whose telephone number is 571-272-7834. The examiner can normally be reached on M-F, 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy S. Thorpe can be reached on 571-272-4444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VSD



TAE JUN KIM
PRIMARY EXAMINER